UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	X
ALTO LENDING, LLC, Plaintiff,	: : :
-against-	: No. 12 Civ. 7391 (ALC)(DCF)
ALTOBRIDGE LIMITED, ALTOBRIDGE CORPORATION, and INTEL CORPORATION, Defendants.	: : : : :

SUPPLEMENTAL DECLARATION OF ADAM H. OFFENHARTZ IN FURTHER SUPPORT OF DEFENDANT INTEL CORPORATION'S MOTION TO DISMISS <u>PLAINTIFF'S AMENDED COMPLAINT</u>

- I, Adam H. Offenhartz, hereby declare the following under penalty of perjury, pursuant to 28 U.S.C. §1746:
- 1. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP, and an attorney licensed to practice law in the State of New York and before the United States District Court for the Southern District of New York. I submit this supplemental declaration in further support of Defendant's Motion to Dismiss pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6).
- 2. Attached to this supplemental declaration as Exhibit 3 is a true and correct copy of Plaintiff Alto Lending LLC's original Complaint, dated July 25, 2012, that was filed by Plaintiff in the Supreme Court for the State of New York against Defendants Altobridge Limited, Altobridge Corporation, and Intel, which Defendants subsequently removed to this Court.

- 3. Attached to this supplemental declaration as Exhibit 4 is a true and correct copy of Plaintiff's Amended Complaint in this action, dated January 21, 2013.
- 4. Attached to this supplemental declaration as Exhibit 5 is a true and correct copy of a blackline comparison of Plaintiff's original Complaint (Exhibit 3) against Plaintiff's Amended Complaint (Exhibit 4).

Dated: New York, New York April 5, 2013

Adam H. Offenhartz